

Planning Board Minutes 09/26/2016

**Planning Board
Town of Greenfield
APPROVED Meeting Minutes
Recorded by Janice Pack
September 26, 2016**

Members Attending: Paul Renaud, Ken Paulsen, Robert Marshall, Angelique Moon, Andre Wood

Meeting Opened: 7:05 PM

Minutes: PRenaud read the minutes and 4 corrections were made.

KPaulsen motioned to accept, RMarshall seconded, and all were in favor except AWood, who abstained.

Mail: Planning Board Budget Report Y.T.D. dated 9/22/16

Cash Receipt for \$272 from Kokal Foundation

SWRPC Monthly Flyer - Notice of Fall meeting in Peterborough on 10/11/16

Letter from DES Drinking Water and Groundwater Bureau about best management practices

SWRPC flyer advising it is time to place the order for new manuals (orders to be placed by 10/3/16.) PRenaud will take care of placing order

SWRPC Contract for implementation of Section III of Energy Chapter

Envelope from Fieldstone Land Consultants – 4 sets of plans from Kokal case (put in Catherine Shaw's mailbox)

PRenaud mentioned that we will need to encumber funds for the SWRPC Contract. He will sign the contract and send it back. AWood asked how long the chapters were. PRenaud wasn't sure as we don't have an Energy Chapter at this time. The implementation plan adopted 10 years about was about 10 pages long.

PRenaud read an email received from Jim Fletcher on 9/16/16 which was his official resignation from the Planning Board. It also said he was willing to be an alternate. RMarshall moved to accept JFletcher's resignation. PRenaud seconded the motion, and all were in favor.

PRenaud made a motion to appoint JFletcher as an alternate through March. AWood seconded it and all were in favor. PRenaud will work on getting someone else, perhaps from ConComm or ZBA, to come on board at least through March.

PRenaud brought up the Planning board comment to ZBA on the Paradise case which the ZBA will hear at a Public Hearing on October 5th at 8:00 PM. It was decided to forward the comment which had been sent to the Select Board.

- **PRELIMINARY 2017 BUDGET -**

- Discussion turned to the Budget which needs to be in a week from tomorrow. Advertising budget is \$1000; it was suggested to keep it at \$1000.

- Clerical wages appear to be in order. PRenaud increased this line item from \$2300 to \$2500.

- EDAC clerical wages were increased from \$500 to \$600.

- The EDAC regular budget is \$1000. The Board wondered why EDAC has a separate budget from the Planning Board but still falls under the Planning Board budget. RMarshall stated that the 2 line items were created to provide resources for the EDAC to have and to be able to differentiate expenses from the Planning Board expenses. They could cover a business-networking forum. PRenaud said that the EDAC had voted to put in \$1500 as a placeholder. This item was increased from \$1000 to \$1500.

- Education/Conventions – RMarshall mentioned that the conference would be good for new members to attend. It was decided to leave that amount at \$350.

keep the same at \$300.

General Supplies

Legal/Professional Services – while

no funds have been used to date, we do expect to receive legal opinions. We never know if we will get a big complicated development that may require litigation; however, there is nothing on the horizon at this point. KPaulsen suggested we leave it at \$3000, and if the select Board wants to negotiate somewhere, that might be an area we could drop down a bit.

RMarshall felt we could go to \$2,000 and PRenaud agreed. We may want to spend some money from this budget to use on the sign ordinance questions.

- Master Plan update – PRenaud is looking to encumber these funds as February is the target date for the two chapters to be finished. RMarshall said that the work is supposed to be done before the end of this calendar year to use the encumbered funds. Will that include the public hearing? RMarshall was not sure. PRenaud will speak to Aaron Patt about this.

RMarshall cautioned that we not commit any Planning Board money to ConComm. PRenaud said that he would reduce the line item to Zero if the funds could be encumbered. RMarshall said to be sure that there would not be additional costs, or pieces to the final product that we might not be aware of. He suggested we bring it down to \$1000, just in case.

Assuming that early 2017 the Master Plan is finished, this will not happen again until the next decade, so we need to discuss how to do this better next time.

- Postage will remain the same at \$600.
- Printing will be the same at \$100.
- Publications remain the same at \$100.
- Registry Fees – PRenaud wondered why we are paying registry fees. RMarshall said It might be something to do with Town properties and suggested that we could ask CShaw for an accounting of that. Keep that budget amount the same at \$200.

Planning Board report for ZBA cases. Page 54 of the zoning ordinance Section XVI. F. Planning Board Report - PRenaud feels that this could show bias as it means that we are giving an opinion. The ZBA has the job of ruling on 5 specific areas. It is the ZBA's job to interpret the ordinances. AWood feels that if we as an adjudicating body making a decision are required to make an opinion on the case, it could determine bias. RMarshall feels that one of the reasons for asking for the Planning Board opinion is to determine how something might fit into the whole town, since the Planning Board put together the Master Plan, and created the four zones. They did that with a purpose, so if ZBA is asking for their opinion on how something fits in to the overall plan, that is not a bias. AWood said "we should be careful about how the question is phrased, and how our response is phrased." "The Planning Board's report shall be considered informational in character..."

The ZBA does not know what the thrust is, or perhaps what the consequence or impact is, or if it consistent with what we are doing. The comment could consist of that information. PRenaud looked for the 5 things that the ZBA considered when issuing a variance. AWood said again we need to be very careful about how we phrase that opinion. "This is not an attempt by the Planning Board to determine the interpretation of the ordinance" should precede the comment.

One of the criteria to look at for granting a variance is "What is the impact on the character of the neighborhood?" It is not the Planning Board's job to determine that, but the ZBA's. We may not have all of the information that the ZBA will have on this. Sometimes we are asked to give an opinion on something that is not coming before the Planning Board. PRenaud has no problem with that, as there is no conflict if we are not going to be hearing the case. PRenaud said that we have been recommending a PCC, and if a variance is needed, we suggest that they go to the ZBA. He feels that we are opening it up to litigation. If we support the project because it doesn't have a detrimental effect on the neighborhood, and then it comes back later on and we discover new evidence that may change the opinion, it could create a problem. PRenaud feels that we should only give an opinion if there is no chance of us hearing the case. He feels that it could be asked, but we should not be *required* to give an opinion. RMarshall said that the reason they need an opinion is because they don't have all of the details of the application. AMoon wanted to put some additional language in stating when we would give an opinion. RMarshall stated that opinion is in our minutes, but the ZBA wants it wrapped up in a neater package. All they need to consider is the case before them. Since all information relative to a hearing needs to be made available to all parties add "the ZBA shall make copies of this report available to all interested parties".

AMoon suggested Under F. Planning Board Report change "*shall*" to "*may*" in the first line in order to remove the requirement for a Planning Board opinion, and all agreed.

Add this after last sentence: "In the case where the potential for bias or conflict of interest is possible, the Planning Board reserves the right to respond to this request with a copy of the relevant minutes."

KPaulsen suggested this be put into the Rules of Procedure as well. PRenaud again stated that he did not feel that we should be giving a comment if it was on a case that we may hear. He has no problem if the case will never come before us.

RMarshall feels we are making a compromise to protect the town from bias, and feels PRenaud is doing a great job of that. PRenaud said RMarshall made a very good point that we should not need to do this.

Definition of minor subdivision

PRenaud wants to tweak the definition to include "*including the parent lot*". PRenaud said that in the case of the Kokal lots, there were three new lots that had to be registered. "*Not more than 3 lots including the parent lot*" would be clearer.

Site Inspections

PRenaud moved to a discussion of the site visit approval in a subdivision (Section III.L) and the line saying no individual member shall visit without prior approval of the board. If we are having a site walk and everyone can make it except one member, does the one member have to have the prior approval of the board to do so? AWood wanted to figure out what the intent was. Perhaps if the property owner was there, he could try to influence the single member. If you are going individually, you are not going to have a quorum. AMoon feels the

way it is written is overly restrictive. It was decided to add” No individual Planning Board member *in their official capacity* member shall visit a property without prior approval of the Board”.

Subdivision 676:4-a Revocation of Recorded Approval Paragraph I.(c) When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time period specified in RSA 674:39. This is only for conditions subsequent.

Subdivision Regulations Section III.M(3): When it was originally written, it was 4 years, but PRenaud would like it to be 2 years. When we give the approval, we need to specify what constitutes active or substantial development. It would still give the applicant the 5-year exemption if active or substantial development has been made within that 2-year period. AWood says that in a case of a subdivision, if you have subdivided the lot, it's done. However, if you have planned to develop the lot to put a business on it and nothing has happened, when the time elapses, the applicant needs to come before the Board again. After 5 years, you would lose your immunity from changes. It was decided to add no further changes to this section of the Subdivision Regulations.

PRenaud motioned to adjourn, AMoon seconded, and the **meeting adjourned at 9:45 PM.**

THESE MINUTES WERE APPROVED AT THE PLANNING BOARD'S REGULAR MEETING HELD ON OCTOBER 3, 2016.